

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
CHANEL, INC., a New York corporation, :

Plaintiff,	:	<u>[PROPOSED] SCHEDULING ORDER</u>
- against -	:	Civ. 1:08-cv-04074 (SAS)
	:	Conference Date: July 1, 2008
STONY NY CORP., a New York Corporation, et al.	:	

X
Defendant. :

SHIRA A. SCHEINDLIN, U.S.D.J.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed.R.Civ.P. 16(b) on June 18, 2008 (the "Order"); and

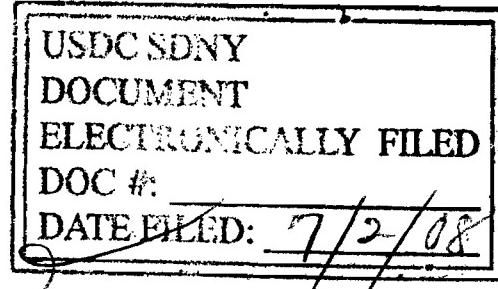
WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order;

(1) On June 26, 2008, counsel for the parties conducted the required conference. The following counsel appeared on behalf of the parties:

Plaintiff: **John Macaluso**
Gibney, Anthony & Flaherty, LLP
665 Fifth Avenue
New York, New York 10022
Telephone (212) 688-5151
Facsimile (212) 688-8315

Defendant: **Jay R. McDaniel**
The McDaniel Law Firm
350 Fifth Avenue, Suite 3304
New York, New York 10018
Telephone (212) 514-8080
Facsimile: (212) 514-8282



(2) Concise Statement:

Plaintiff:

Chanel claims Stony NY Corp. has infringed Chanel's trademarks CC MONOGRAM, and CHANNEL (the "Chanel Marks") through substantial use, advertising, promotion and sale of goods bearing the Chanel Marks in connection with the manufacture and distribution of costume jewelry, earrings, bracelets, pins, bracelets, pins, necklaces, and rings.

Chanel has demanded preliminary and permanent injunctive relief against Stony NY Corp.

Chanel has also demanded that it be awarded Stony NY Corp.'s profits, and actual or statutory damages in an amount to be determined at trial. Chanel also seeks an award of attorneys' fees, investigators' fees, costs, and prejudgment and post judgment interest.

Defendant:

Defendant denies infringement of the trademarks alleged by plaintiff (Registration Nos. 0612169, 0902190 and 1501898). Defendant is a wholesaler of inexpensive costume jewelry. While defendant had previously distributed an earring set using a double "CC" motif, this item was not an exact replica of the Chanel trademark using interlocking opposed "C"s. Defendant promptly discontinued sales of items using any "C" motif at the demand of plaintiff.

Defendant, while denying plaintiff's claims, does not dispute that plaintiff holds valid trademarks under Registration Nos. 0612169, 0902190 and 1501898. Defendant denies the allegations of counterfeiting and asserts that the items that it distributed could not be confused with Chanel merchandise. Trademark infringement, if any, was unintentional.

(3) Schedule:

(a) Depositions:

Stony NY Corp., through its corporate representative(s):

"Sammy" of Stony NY Corp.: *Sept + Oct.*

Karin Tiler, Investigative Consultants:

Peter English, Investigative Consultants:

Chanel, Inc., through its corporate representative(s):

David Baek:

NuVision, Inc., through its corporate representative(s):

(b) Production of Documents:

Rule 26(a) Initial Disclosures: **July 15, 2008**

(c) Expert Reports due: **October 15, 2008**

Expert Deposition Deadline: **November 15, 2008**

(d) Discovery cutoff: ~~January 15, 2009~~ *Nov. 15, 2008*

(e) Deadline for Plaintiff to provide Pretrial Order matters to Defendant:
~~March 1, 2009~~ *JAN 9*

(f) The date by which the parties will submit a pretrial order in a form conforming with the Court's instructions together with trial briefs and proposed voir dire questions and proposed jury instructions:
~~March 15, 2009~~ *JAN 23*

(g) Date of Final Pretrial Conference pursuant to Fed. R. Civ. P. 16(d):
~~April 1, 2009~~ *Nov. 19 at 4:30*

(4) Limitations to be placed on discovery, including any protective or confidentiality orders:

Prior to commencing discovery, the parties, as agreed, will submit a proposed Confidentiality Protective Order to the Court outlining the treatment of confidential material produced during discovery.

(5) Discovery Issues The Parties Were Unable to Agree Upon: None

(6) Anticipated Fields of Expert Testimony, if any:

At this time, the parties do not know the areas in which experts may be retained, and for which expert testimony may be required.

(7) Anticipated length of jury trial:

This is a jury trial, and the parties anticipate the trial in this matter requiring approximately five (5) days for trial.

(8) This Scheduling Order may only be amended upon a showing of good cause by the party(ies) that at the time of their conference the information necessitating the request for amendment was not foreseeable by the party(ies), or when justice so requires.

Respectfully submitted this 1st day of July, 2008.

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The McDaniel Law Firm
350 Fifth Avenue, Suite 3304
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By: John Macaluso
John Macaluso

By: _____
Jay R. McDaniel

SO ORDERED:

Shira A. Scheindlin,
U.S.D.J.

7/1/08